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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,052	10/31/2003	Tarun K. Arora	PPC-5026-US-NP	1208

27777 7590 06/19/2008

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EXAMINER	
HAND, MELANIE JO	

ART UNIT	PAPER NUMBER
3761	

MAIL DATE	DELIVERY MODE
06/19/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/699,052	ARORA ET AL.	
	Examiner	Art Unit	
	MELANIE J. HAND	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *31-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *31-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed March 31, 2008 have been fully considered but they are not persuasive.

2. With respect to arguments regarding the rejection of claim 31: Applicant argues that Carlucci does not disclose or suggest the use of a mixture of hot melt adhesive and a liquid absorbent polymer as claimed. This is not persuasive because it was acknowledged by examiner and the prior art of Luizzi was introduced to remedy the deficiency. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Luizzi explicity teaches repeatedly throughout the disclosure (see, e.g. [0010],[0011] that the adhesive-absorbent composition is a hot melt adhesive. As to the liquid absorbent polymer, Luizzi also repeatedly discloses that the instant adhesive-absorbent composition comprises an aqueous liquid-absorbing polymer. Therefore the combined teaching of Carlucci and Luizzi renders the claimed mixture of hot melt adhesive and liquid absorbing polymer obvious. From that, applicant's argument that Carlucci does not teach an absorbent system substantially free of cellulosic material is also not persuasive for the similar reason that this deficiency of Carlucci was acknowledged and remedied by Luizzi.

3. Applicant further argues that Luizzi also does not disclose an absorbent system substantially free of cellulosic material. The absorbent system of Luizzi meets the limitation of comprising a mixture of hot melt adhesive and liquid absorbing polymer. The remaining ingredients of the composition are tackifying resin and block copolymer, both of which are also

not cellulosic. Thus, Luizzi clearly renders the limitation of an absorbent system that is substantially free of cellulosic material obvious.

4. Applicant further argues that the teachings of Carlucci and Luizzi cannot be combined because the temperature required to melt the hot melt adhesive of Luizzi would evaporate the water in the hydrogel adhesive of Carlucci if the adhesive of Luizzi were to be used in the article of Carlucci. This is not persuasive because hot melt adhesive is not applied to a substrate and then melted. The temperature at which the adhesive melt is reached prior to application to a substrate or article in order to produce a spreadable adhesive to make the application possible or easier. Thus, the adhesive of Luizzi has already reached this temperature prior to coating in an article such as Carlucci, at which point it cools to room temperature. The water in the hydrogel of Carlucci would only evaporate if the entire article were heated to the melt temperature of the adhesive of Luizzi, which would likely destroy the article, and one of ordinary skill in the art reading the disclosures of Carlucci or Luizzi would never attempt to melt the adhesive subsequent to attempting to spread it along the surface of a substrate in either the article of Carlucci or Luizzi, if such spreading could even be achieved without first melting the adhesive. Thus, Examiner maintains the position that the teachings of Carlucci and Luizzi can be combined and still render the claims unpatentable in further view of Ahmed.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 31-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlucci ('299) in view of Luizzi ('291) and further in view of Ahmed et al. (U.S. Patent No. 6,534,572)

With respect to **Claims 31,32,35:** Carlucci teaches an absorbent article having first and second transverse edges longitudinally opposed to one another, transversely opposed side edges, a liquid-pervious topsheet, a liquid-impervious backsheet and an absorbent core therebetween. The absorbent core comprises a fluid distribution layer overlying a hydrogel material, which is capable of being produced and integrated in coating form. Carlucci teaches that all components of the article are transparent.

Carlucci teaches a transparent conventional adhesive, which encompasses hot melt adhesive, but does not teach that the absorbent core contains said adhesive. Luizzi teaches an absorbent hot melt adhesive composition also comprising a liquid-absorbing hydrogel polymer. Since the adhesive is both capable of acting as an adhesive and is absorbent, it provides a dual function making a thinner article possible, therefore it would be obvious to one of ordinary skill in the art to modify the hydrogel material taught by Carlucci to be further comprised of hot melt adhesive and a liquid-absorbing hydrogel polymer as taught by Luizzi to provide both adhesive and absorbent capabilities. The prior art of Ahmed is introduced herein to support the ability of

the adhesive of Carlucci to be combined with the adhesive of Luizzi, as Ahmed teaches an adhesive comprising a thermoplastic layer having a wax that, when cooled surrounds and either encapsulates a superabsorbent polymer particle, or forms an additional layer adjacent thereto as desired. Ahmed teaches that the adhesive improves the gel rate, making the gel rate faster when compared to using SAP particles alone. Thus, it would be obvious to one of ordinary skill in the art to combine the hydrogel adhesive of Carlucci with the hot melt adhesive of Luizzi so as to create an absorbent adhesive having a faster gel rate as taught by Ahmed, thus trapping exudate more quickly. ('572, Col. 3, lines 48-50, Col. 4, lines 30-36, 51-57, Col. 8, lines 20-28, Col. 9, lines 41-52)

With respect to **Claim 33:** The absorbent core of Carlucci comprises a fluid distribution layer overlying a hydrogel material, i.e. said distribution layer is a separating layer is disposed between the absorbent material and the topsheet, wherein said separating layer is also transparent.

With respect to **Claim 34:** Carlucci teaches that the absorbent core is comprised of 100% transparent absorbent gelling material. ('299, ¶ 0045)

With respect to **Claim 36:** Carlucci teaches that the light transmittance of the article is greater than 40%. ('299, ¶ 0015)

With respect to **Claim 37:** Carlucci teaches that the absorbent core is 0.1-18 mm thick, therefore substantially all fibers that are suitable for said fibrous layer with a thickness

consistent with the thickness of the core would form a fibrous layer with a denier in the range of 1.5-15 dpf.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELANIE J. HAND whose telephone number is (571)272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melanie J Hand/
Examiner, Art Unit 3761

/Tatyana Zalukaeva/

Supervisory Patent Examiner, Art Unit 3761